

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Roderick English

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

South Carolina Department
of Correction / US Marshal
Justice Marshal Blackmun

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights

(Prisoner Complaint)

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed *in forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Roderick English
 Name Ralph K. "Tripp" ANDERSON
 All other names by which you have been known:
L. Eber CI P.O. Box 205
Ridgeville, SC 29472
 ID Number 14 C0571 Inmate # 301507
 Current Institution Administrative Law Court
 Address 1205 PENDELTON STREET,
SUITE 224 Columbia, South Carolina
29201

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Brian Steriling
 Job or Title Head Director
 (if known)
 Shield Number _____
 Employer _____
 Address Head Quarter 4444
Broad River Rd Columbia S.C
29210
☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name Kathy Gause

Job or Title (if known) Classification
 Shield Number _____
 Employer Head Quarter 444
 Address Broad River R.d Columbia
South Carolina 29210
☒ Individual capacity ☐ Official capacity

Defendant No. 3

Name DONALD ZELENKA
 Job or Title (if known) Attorney General
 Shield Number 4425
 Employer _____
 Address _____
☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name Shirley Little
 Job or Title (if known) _____
 Shield Number _____
 Employer _____
 Address _____
☒ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☒ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

TORT claim Action ^{False imprisonment and malicious prosecution distinguished}
False IMPRISONMENT Civil LIABILITY

false imprisonment is defined as deprivation of one's liberty without justification
Deployed Legal Rights

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

^{Habeas Corpus statute contemplates an immediate custodian with power to produce the body if there is no sufficient reason for a contrary conclusion}

South Carolina Department of Transportation
RETAINER AND AUTHORITY / EXTRADITION &
DETAINEES Roderick English v. South Carolina
Department of Corrections (140571)

Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The Administrative Law Court does not have
Statutory authority to hear TORT claim actions
Pursuant To the South Carolina TORT claim Act SC

Code § 15-178-10 et seq. the appropriate venue for
filing this type of action is in Circuit Court.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
☒ Civilly committed detainee
☐ Immigration detainee

- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) State conviction Expired.

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

May 17, 2018 STATE of South Carolina Department
of Probation Parole and Pardon Services Admitted
No offense To my conviction and admitted I am

- C. Required To do 85% of my sentence before Release
Time of 85% was 11/13/18 Overdue
 What date and approximate time did the events giving rise to your claim(s) occur?

March 15, 2016

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

The Administrative Law Judge RALPH K "
Tripp ANDERSON III Admitted To Suspension
of his Statutory Authority to hear This Tort

Claim In SCDC WAS Intitled To Release me To
Society 11-16-18 notified Intitled Memorandum of Right
to Release me was served to Each Party.
FOR EXTRACTION & DETAINERS

State Court South Carolina Department of
Correction U.S Marshall Didn't Pursuant
to those wright.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Mental Health has ~~was~~ got worst.

- VI. Relief For The Solicitor To show proof of A
Excuser Wittness To my Indictment. ^{Case State V. Roderick English}
 State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

To have South Carolina Social Services
To Involved South Carolina Department of Transportation
To Expedite me Back to my County for Retrial.
To Have Head Classification To Transfer me to A Level 1

PreRelease work Release Corrections for There's no offense
In ~~SCDC~~ Records System Show a conviction.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes
☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Lieber Corrections

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes
☐ No
☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes
☒ No
☐ Do not know

If yes, which claim(s)?

Yes Timeline Correction Category IV
03-13-2014 was A original Expiration Date which
Is overdue

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes
☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

- ☒ Yes
☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

McCormick Corrections
Institution

2. What did you claim in your grievance?

My Sentence was been Enhance over
The original time

3. What was the result, if any?

Veru I am are sentenced to serve
a mandator minimum of a 85% of my
18 year which would be 15 year 3 months
18 ~~year~~ day would be 11/13/18

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I Inform The Department of Probation.
Parole and Pardon Services In The
Department prove I had no offense but
will be Required to serve 85% of my
Sentence before Release To Community
Supervision.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Memorandum of Compliance with
ALC Special Appeal Rule. / Title Roderick
English v. South Carolina Department of Corrections

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

STATE of South Carolina Administrative
Law Court October 29, 2014

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

- ☒ Yes
☐ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) Roderick English
Defendant(s) Classification Kathy Gause

2. Court *(if federal court, name the district; if state court, name the county and State)*

UNITED STATES DISTRICT
COURT DISTRICT of South Carolina

3. Docket or index number

1:16 - 127 - JFA - SVH

4. Name of Judge assigned to your case

Shiva V. Hodger

5. Approximate date of filing lawsuit

March 15, 2016

6. Is the case still pending?

- ☐ Yes
☒ No

If no, give the approximate date of disposition.

11-6-18
11-2-18

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

accordance with 28 U.S.C § 636(b)
(1) 18) Civil Rule 73.02

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ Yes

☐ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Roderick English
 Defendant(s) Christin Livingston

2. Court (if federal court, name the district; if state court, name the county and State)

UNITED STATES DISTRICT COURT
DISTRICT of SOUTH CAROLINA

3. Docket or index number

1:16 cv 2985

4. Name of Judge assigned to your case

Shiva Hodges

5. Approximate date of filing lawsuit

March 22, 2017

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

My favor

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Jan 23, 2019.

Signature of Plaintiff Roderick English
 Printed Name of Plaintiff Roderick K English
 Prison Identification # 301507
 Prison Address Leeber Correctional Institution
Rigdeville SC 29472
 City State Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney _____
 Printed Name of Attorney _____
 Bar Number _____
 Name of Law Firm _____

Address

Telephone Number

E-mail Address
